

Attorney Docket No.: DC0258US.NP
Inventors: Supattapone and Deleault
Serial No.: 10/553,591
Filing Date: January 17, 2006
Page 3

REMARKS

Claims 1-3 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and §372. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1 and 3, drawn to a composition and kit thereof; and

Group II, claim 2, drawn to a method for identifying the presence of PrP^{Sc}.

The Examiner suggests that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features. Specifically, it is suggested that a composition comprising a ribonucleic acid molecule which enhances the amplification of PrP^{Sc} was known in the art at the time of invention as demonstrated by Saborio. It is suggested that said product cannot therefore be considered a special technical feature, as lack of unity rules hold that a feature known to a person of ordinary skill in the art makes no advance over the prior art. The Examiner acknowledges that were Applicants to elect claims directed to the product, and the product claim were subsequently allowed, withdrawn process claims that depend from or otherwise include all limitations of the allowable product claim will be rejoined in accordance with

Attorney Docket No.: **DC0258US.NP**
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Serial No.: **10/553,591**
Filing Date: **January 17, 2006**
Page 4

the provisions of MPEP §821.04. Applicants are required to elect one of the Groups to be examined.

Applicants respectfully disagree with this restriction requirement. PCT Rule 13.2 indicates that where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

While the Examiner has cited Saborio as teaching a ribonucleic acid molecule which enhances the amplification of PrP^{Sc}, it is respectfully submitted that Saborio does not teach an isolated preparation of a ribonucleic acid molecule which enhances the amplification of PrP^{Sc}. Thus, the ribonucleic acid molecule cannot be held to be anticipated by the teachings of Saborio. Therefore, the ribonucleic acid molecule of the present invention is a special technical feature linking Groups I-II. As such, unity of invention exists and it is respectfully requested that this restriction requirement be reconsidered and withdrawn.

Attorney Docket No.: **DC0258US.NP**
Inventors: **Supattapone and Deleault**
Serial No.: **10/553,591**
Filing Date: **January 17, 2006**
Page 5

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1 and 3, drawn to a composition and kit thereof, with traverse.

Respectfully submitted,



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